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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 ANGELICA GARCIA,

14
15 Plaintiff,

16 vs.

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18 FORTIS CAPITAL IV, LLC,
CURTIS O. BARNES, P.C.,
19 TOFOYA DOE, and DOES 1-10,

20
21 Defendants.
22 _____

CASE NO.: 5:12-cv-06491-EJD

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25 **STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
FILE AMENDED ANSWER TO
COMPLAINT AND MOTION TO
STRIKE ANSWER**

1 Plaintiff Angelica Garcia ("Plaintiff") and Defendants Fortis Capital IV,
2 LLC, Curtis O. Barnes, P.C., and Nicholas Tafoya ("Defendants") hereby stipulate
3 to the following:

4 WHEREAS Plaintiff filed the Complaint in this action on December 21,
5 2012;

6 WHEREAS the Defendants filed an Answer to the Complaint on February
7 21, 2013;

8 WHEREAS the parties have met and conferred regarding a potential motion
9 to strike certain of the affirmative defenses contained in the Answer;

10 WHEREAS the Defendants plan to file an Amended Answer;

11 WHEREAS the parties wish to avoid unnecessary motion practice;

12 THEREFORE it is stipulated and agreed by Plaintiff and Defendants,
13 through their counsel, that Defendants may have until March 19, 2013, to file an
14 Amended Answer to the Complaint. In the event that Defendants do not file an
15 Amended Answer on or before that date, Plaintiff shall have until March 29, 2013
16 to file a motion to strike the Answer.

17 IT IS SO STIPULATED.

18 DATED: March 11, 2013

SIMMONDS & NARITA LLP
TOMIO B. NARITA
ARVIN C. LUGAY

21 By: s/Tomio B. Narita
22 Tomio B. Narita
23 Attorneys for Defendants

24 DATED: March 11, 2013

RONALD WILCOX
BEN DUPRE

26 By: s/Ronald Wilcox
27 Ronald Wilcox
28 Attorneys for Plaintiff
Angelica Garcia


~~PROPOSED~~ ORDER]

Pursuant to the stipulation of the parties and good cause appearing, IT IS
HEREBY ORDERED THAT Defendants may have until March 19, 2013, to file an
Amended Answer to the Complaint. In the event that Defendants do not file an
Amended Answer on or before that date, Plaintiff shall have until March 29, 2013
to file a motion to strike the Answer.

IT IS SO ORDERED:

DATED: 3/12/2013

By:



Honorable Edward J. Davila
United States District Court Judge